

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNION DEL PUEBLO ENTERO,
et al.,

Plaintiffs,
v.

GREGORY W. ABBOTT, *et al.*,

Defendants.

Case No: 5:21-cv-00844-XR
(Consolidated Cases)

**MOTION OF LAWYERS DEMOCRACY FUND FOR
LEAVE TO PARTICIPATE AS *AMICUS CURIAE* AND FILE BRIEF**

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**pro hac vice admission pending*

Counsel for Lawyers Democracy Fund

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Lawyers Democracy Fund (“LDF”) respectfully moves for leave to participate as *amicus curiae* and to file the brief appended hereto as Attachment 1 in support of defendants’ motions for summary judgment. In support of this Motion, LDF makes the following points:

1. LDF is a social welfare organization that promotes the role of ethics and legal professionalism in the electoral process. LDF seeks to ensure that all citizens are able to exercise their right to vote and that reasonable, common-sense, anti-fraud protections are enacted to prevent the dilution of any citizen’s vote. LDF provides guidance to legislators interested in reforming their electoral systems, and it also conducts, funds, and publishes research regarding the effectiveness of current election systems and procedures.
2. Courts should accept *amicus* briefs “when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide,” *In re Halo Wireless*, 684 F.3d 581, 596 (5th Cir. 2012) (quoting *Ryan v. CFTC*, 125 F.3d 1062, 1063 (7th Cir. 1997)), and where the brief provides “information or arguments that the [party whose position the brief supports] did not already provide to the Court,” *id.*
3. LDF has provided research and analysis of states’ election laws across the United States, and it has filed *amicus* briefs in election law cases before the U.S. Supreme Court and other federal courts. See, e.g., *Virginia House of Delegates v. Bethune-Hill*, No. 18-281 (U.S. filed Jan. 4, 2019); *Crawford v. Marion County Election Board*, Nos. 07-21, 07-25 (U.S. filed Dec. 10, 2007); *North Carolina State Conference of the NAACP v. McCrory*, Nos. 16-1468(L), 16-1469, 16-1474, 16-1529 (4th Cir. filed Jun. 16, 2016). LDF’s national election law expertise provides a unique perspective in this case that counsel for the parties are unable to provide.

4. LDF's proposed *amicus* brief in this case contains an exhaustive survey of the laws in the 49 other states with respect to eight key provisions of the Texas S.B. 1 law that plaintiffs are challenging. As LDF's proposed *amicus* brief argues, the Texas law does not exist in a vacuum and should be considered in the context of other states' laws. This survey of state election laws across the country provides unique information that has not already been provided to the Court.

5. LDF's *amicus* brief is timely filed.

6. The following parties are unopposed to LDF's participation as *amicus curiae*:

- La Union Del Pueblo Entero (plaintiff)
- Friendship-West Baptist Church (plaintiff)
- Southwest Voter Registration Education Project (plaintiff)
- Texas Impact (plaintiff)
- Mexican American Bar Association of Texas (plaintiff)
- Texas Hispanics Organized for Political Education (plaintiff)
- JOLT Action (plaintiff)
- William C. Velasquez Institute (plaintiff)
- Fiel Houston (plaintiff)
- James Lewin (plaintiff)
- State of Texas (defendant)
- Gregory W. Abbott (defendant)
- Warren K. Paxton (defendant)
- Jane Nelson (defendant)
- Jose A. Esparza (defendant)

- Kim Ogg (defendant)
- Dallas County Republican Party (intervenor-defendant)
- Harris County Republican Party (intervenor-defendant)
- Republican National Committee (intervenor-defendant)
- National Republican Senatorial Committee (intervenor-defendant)
- National Republican Congressional Committee (intervenor-defendant)

The following parties stated no opposition to LDF's participation as *amicus curiae*:

- United States of America (plaintiff)
- Michael Scarpello (defendant)
- John Creuzot (defendant)

The remaining parties did not respond to LDF's request for their position on LDF's participation as *amicus curiae* and are presumed to be opposed.

7. For the foregoing reasons, LDF respectfully requests that this Court grant leave to permit its participation as *amicus curiae* and the filing of this Motion, and its *amicus* brief appended to this Motion.

Respectfully submitted,

LAWYERS DEMOCRACY FUND

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May 2023, I electronically filed a true and correct copy of the foregoing MOTION OF THE LAWYERS DEMOCRACY FUND (“LDF”) TO PARTICIPATE AS *AMICUS CURIAE* AND FILE A BRIEF IN SUPPORT OF DEFENDANTS with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record. Respectfully submitted this 30th day of May 2023.

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